MT LEGISLATIVE HISTORY

Chapter 477 1973

Bill H _____ (S) 447 Original bill & hist. ___C

H. Committee on Labor & Employment Relations S. Committee on Labor & Employment Relations

Hearing Date(s)			Hearing Date(s)		
Mar 05	✓	C	Feb 09	✓	C
_____	___	C	_____	___	C
_____	___	C	_____	___	C
_____	___	C	_____	___	C
Date Out _____	___	C	_____	___	C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

MINUTES OF MEETING OF THE
LABOR AND EMPLOYMENT RELATIONS COMMITTEE
STATE SENATE

A meeting of the Labor and Employment Relations Committee was called to order by Chairman Siderius, February 9, 1973 at 5:30 P.M., Room 402 of the State Capitol Building.

ROLL CALL: All members present except Senator Moore was excused.

CONSIDERATION OF SENATE BILL 446:

Senator Bertsche moved, seconded by Senator Flynn that the amendments be accepted.

Senator Lowe offered a substitute motion that "professional engineers and engineers in training" be excluded from this bill. Senator McNamer seconded the motion. Motion carried.

Senator Bertsche's motion to accept the amendments carried.

Senator Bertsche moved, seconded by Senator Jensen that SB 446 Do Pass As Amended. Motion carried, with Senator McNamer opposing.

CONSIDERATION OF SENATEBILL 447:

Senator Bennett offered an amendment to SB 447. Senator Bertsche moved the amendments be amendments be accepted. Motion carried.

Senator Bertsche moved that SB 447 Do Pass As Amended. Second received; Motion carried.

Meeting adjourned.

Siderius

SENATOR GEORGE SIDERIUS, CHAIRMAN

COMMITTEE ON Labor & Employment BILL NO. [illegible]

VISITOR'S REGISTER

NAME	REPRESENTING	Check One Support	Oppose
[illegible]	West Fla. AFL-CIO	1	
John H. Ricken	Am Ins Assn SB 407		✓
[illegible]			
[illegible]			
Chadwick H. Smith	Amer Mutual Ins Alliance		407 409
[illegible]	[illegible]		407 409
[illegible]	[illegible]		[illegible]
[illegible]	[illegible]		
John H. Morrison	Prof. Engr.		SB 407
[illegible]	[illegible]		SB 407
[illegible]	[illegible]		SB 407

(Please leave prepared statements with Committee Aide)

March 5, 1973

LABOR AND EMPLOYMENT RELATIONS COMMITTEE PROCEEDINGS:

A meeting of the Labor and Employment Relations Committee was held on Monday, March 5, 1973 at 10:30 a.m. in Room 428A with Chairman Pat McKittrick presiding. All members were present except Reps. Colberg, East, Ellerd, Kimble and Turner.

SENATE BILL # 446 -- SPONSOR: Sen. Bertsche said that the fastest growing unions today are the unions in the public factor. This bill covers the public employer. The responsibility of a labor union is asserted in the bill. Several technical amendments were offered. Bob Jensen supported Sen. Bertsche's comments concerning the state level. Jim Murry, AFL-CIO, -- gave lengthy testimony at the joint hearing on this bill already. George Hammond, AFL-CIO, AFSCME--statement attached. R.L. Rampy, Teamsters J.C. # 23 -- statement attached. OPPONENTS: Norman Ostrander, Exec, Sec. of Public Affairs, Mont. Conference of Seventh-Day Adventists -- statement attached. Questions followed; Joe Rossman helped answer some of them.

SENATE BILL # 447 -- SPONSOR: Sen. McCallum would like to see some of the stricken (by the Senate) material reinstated. Many injured workmen are having trouble getting their compensation. Jim Murry, AFL-CIO, -- supports the bill, minus the amendments. The burden of proof for proving that he is entitled to benefits is up to the claimant himself. Many times in Montana a claimant's benefits will be cut off. It was suggested that the bill might be discussed in a conference committee. Questions followed.

SENATE BILL # 278 -- SPONSOR: Sen. Vainio -- this bill provides that the Division of Workmen's Comp. may request and encourage the Board of Investments to invest in the Health Care Facilities of Montana. William Leary, Mont. Hosp. Assoc. -- this bill is an approach to provide some of these needed monies at a reasonable rate. He proposed an amendment changing the rate to 1 1/2% which would be a compromise. Rod Gudgel arose in support of the bill on behalf of the Mont. Nursing Home Assoc. No opponents; questions followed. Rep. Halvorson, who was going to carry the bill on the floor, briefly spoke in support of the measure.

SENATE BILL # 427 -- SPONSOR: Sen. McKeon was not able to attend the hearing; Fred Barrett spoke on his behalf. -- he mentioned a fiscal note which was attached to the bill and not accurate. Given the effective date that the act now carries, then in 1975 the Legislature would be required to appropriate only $16,000 to cover those employees that would be eligible. George Hammond, AFL-CIO and AFSCME, -- The Montana Act has been amended to cover certain employees. Ross Kainan, Mont. Public Employees Assoc.-- the State Federation supports this legislation. There is no cost in this biennium on the bill. Under Public Law 91-373, 44% of all

the state work force is now covered. The bill is asking to include the other half. R.L. Rampy arose in support of the bill. Jim Murry supports the expansion of unemployment compensation benefits. He feels the coverage should extend to all public employees, not just the state employees, as the Senate has amended it to exclusively include. No opponents; questions followed.

HOUSE RESOLUTION # 20 -- SPONSOR: Rep. Flynn spoke briefly on the resolution. Phil Strope, Inn Keepers Assoc. -- the hotel-motel industry concurs in what Rep. Flynn said. William Leary arose in support of the resolution, as did Rod Gudgel.

HOUSE RESOLUTION # 24 -- SPONSOR: Rep. Kimble -- discussion of the resolution took place.

The following action was taken:

HB# 579: Rep. Quilici had requested, and Rep. Hodges so moved, that it BE HELD OVER. Tierney seconded it; motion carried unanimously.

HR # 24: Rep. Flynn moved, Lombardi seconded, that it BE ADOPTED. Motion carried unanimously.

HR # 20: Rep. Lombardi moved, Lee seconded, that it BE ADOPTED. Motion carried unanimously.

SB # 427: Discussion took place. Rep. Tierney moved, Lee seconded, that it BE CONCURRED IN. Motion carried unanimously.

SB # 278: A subcommittee was appointed, with Rep. Flynn as Chairman, and Reps. Tierney and Lombardi as members.

SB # 447: Rep. Lee moved, seconded by Tierney, that it be amended as BE CONCURRED IN AS AMENDED. Motion carried unanimously.

SB # 446: A subcommittee was also appointed on this bill. Chairman: Pat McKittrick; members: Lee and Turman.

Meeting was adjourned.

Chairman Pat McKittrick

Secretary

SENATE BILL NO. 447

INTRODUCED BY MCCALLUM, TURNAGE, LYNCH, MCDONALD

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE INSURER TO ACCEPT OR DENY A CLAIM WITHIN ~~TEN (10)~~ THIRTY (30) DAYS OF ITS FILING; ~~PAYMENT OF WEEKLY COMPENSATION UNTIL CLAIMANT RETURNS TO WORK; TERMINATION OF COMPENSATION ONLY UPON NOTICE AND DIVISION APPROVAL; AND PAYMENT OF COSTS AND PENALTY IN CASE OF ESTABLISHMENT OF A DENIED CLAIM;~~ PROVIDING FOR COSTS IN THE EVENT OF ARBITRARY OR UNREASONABLE DENIAL, DELAY OR TERMINATION OF COMPENSATION."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. ~~Every insurer under any plan for the payment of workmen's compensation benefits shall within ten (10) days of receipt of a claim either accept or deny the claim, and if denied shall inform the claimant in writing of such denial. Biweekly compensation benefits shall be continuously paid until the claimant is fully released by his doctor, returns to work, or no longer suffers a loss of earnings capacity. If the insurer determines to initially deny a claim, or after a claim has been accepted, terminates biweekly compensation benefits, it may do so only after fifteen (15) days written notice to the claimant and the~~

Reinstate

THIRD READING

division, and after written approval of the division. EVERY INSURER SHALL IMMEDIATELY, AND IN NO EVENT LATER THAN THIRTY (30) DAYS AFTER RECEIPT OF A CLAIM FOR COMPENSATION NOTIFY THE DIVISION IF THE CLAIM IS IN DISPUTE, BY FILING A WRITTEN NOTICE STATING THE REASONS FOR THE DISPUTE.

Section 2. In the event the insurer denies the claim, or terminates a claim that has already been accepted, and the claim is later determined to be compensable either through hearing or appeal to the courts, the insurer shall pay all costs incurred by the claimant, including reasonable attorneys' fees as established by the division, and, in addition thereto, an additional penalty of ten percent (10%) of all compensation due or eventually due under the act. IN THE EVENT THE INSURER ARBITRARILY OR UNREASONABLY DENIES, DELAYS OR TERMINATES COMPENSATION, THE DIVISION MAY ASSESS AGAINST THE INSURER REASONABLE COSTS INCURRED BY THE CLAIMANT, INCLUDING REASONABLE ATTORNEY FEES AS ESTABLISHED BY THE DIVISION. THE DECISION OF THE DIVISION, AS TO SUCH ASSESSMENT, SHALL BE APPEALABLE.

-End-

MINUTES OF MEETING OF THE
LABOR AND EMPLOYMENT RELATIONS COMMITTEE
STATE SENATE

A meeting of the Labor and Employment Relations Committee was called to order by Chairman Siderius, February 9, 1973 at 12:00 Noon, Room 402 of the State Capitol Building.

ROLL CALL: All members present.

CONSIDERATION OF SENATE BILL 422:

Proponents to Senate Bill 422

Harry L. Billings, Montana State AFL-CIO

Opponents to Senate Bill 422

William Kirkpatrick, Montana Wood Products Association
P. L. MacDonald, The Anaconda Company
George Wood, Montana Self Insurer's Association

CONSIDERATION OF SENATE BILL 447:

Senator McCallum appeared before the Committee to support his bill.

Proponents to Senate Bill 447

Harry L. Billings, Montana State AFL-CIO

Opponents:

George Wood, Montana Self Insurer's Association
Chadwick Smith, American Mutual Insurance Alliance
William Kirkpatrick, Montana Wood Products Association
P. L. MacDonald, the Anaconda Company

Discussion period followed the testimony.

This concluded the hearing on SB 422 and 447.

CONSIDERATION OF SENATE BILL 133:

Senator Bertsche moved the amendments do pass, seconded by Senator Flynn. Motion carried.

Senator Bertsche moved, seconded by Senator Flynn that SB 133 Do Pass as Amended. Motion carried.

CONSIDERATION OF SENATE BILL 136:

Senator Bertsche moved, seconded by Senator Jensen that SB 136 Do Pass. Motion carried.

CONSIDERATION OF SENATE BILL 127:

Senator Bennett moved, seconded by Senator Flynn that the amendments to SB 127 be accepted. Motion carried.

(4) The department of administration of the state of Montana or the administrative office of any city or county thereof shall issue the necessary regulations to implement this act.

Approved: March 27, 1973.

CHAPTER NO. 477

An Act Requiring the Insurer to Accept or Deny a Claim Within Thirty (30) Days of Its Filing; Payment of Weekly Compensation Until Claimant Returns to Work; Termination of Compensation only Upon Notice and Division Approval; and Payment of Costs.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every insurer under any plan for the payment of workmen's compensation benefits shall within thirty (30) days of receipt of a claim either accept or deny the claim, and if denied shall inform the claimant in writing of such denial. Biweekly compensation benefits shall be continuously paid until the claimant is fully released by his doctor, returns to work, or no longer suffers a loss of earnings capacity. If the insurer determines to initially deny a claim, or after a claim has been accepted, terminates biweekly compensation benefits, it may do so only after fifteen (15) days written notice to the claimant and the division, and after written approval of the division.

Section 2. In the event the insurer denies the claim, or terminates a claim that has already been accepted, and the claim is later determined to be compensable either through hearing or appeal to the courts, the insurer shall pay all costs incurred by the claimant, including reasonable attorneys' fees as established by the division.

Approved: March 27, 1973.

CHAPTER NO. 478

An Act to Provide for the Support of the Government of Montana for the Years 1973 and 1974, Providing a Severability Clause and an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The following tax levies for state purposes are hereby made upon all property in the state of Montana, subject to taxation, for the year 1973, as ascertained by taking the per-

centage of the true and full value provided by law for purposes of taxation, to wit:

(a) For the state general fund, two (2) mills, or so much thereof as the state department of revenue may find necessary, under the provisions of section 84-713.

(b) For the university millage fund, to provide funds for the support of the Montana university system, as provided in Referendum Measure No. 65 and passed by vote of the people at the general election held November 5, 1968, six (6) mills, or so much thereof as may be necessary to raise the amount appropriated by the legislative assembly from the university millage fund for support of the units of the Montana university system.

Section 2. The following tax levies for state purposes are hereby made upon all property in the state of Montana, subject to taxation, for the year 1974, as ascertained by taking the percentage of the true and full value provided by law for the purposes of taxation, to wit:

(a) For the state general fund, two (2) mills, or so much thereof as the state department of revenue may find necessary under the provisions of section 84-713.

(b) For the university millage fund, to provide funds for the support of the Montana university system, as provided in Referendum Measure No. 65 and passed by vote of the people at the general election held November 5, 1968, six (6) mills, or so much thereof as may be necessary to raise the amount appropriated by the legislative assembly from the university millage fund for support of the units of the Montana university system.

Section 3. If any part of this act shall be declared invalid or unconstitutional, it shall not affect the validity of any other part of this act.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved: March 27, 1973.

CHAPTER NO. 479

An Act to Provide for the Support of the Government of Montana for the Years 1973 and 1974.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The following tax levy for a state purpose is hereby made upon all property in the state of Montana, subject